

LBNL – PROCUREMENT STANDARD PRACTICES

Section: 25 Foreign Acquisitions

Subject: 25.2 Forced, Convict, or Indentured Labor

PURPOSE: This standard practice (SP) provides information and guidance for implementation of the University Policy on the Procurement of Foreign-Made Equipment, Materials, or Supplies Produced by Forced Labor, Convict, or Indentured Labor as adopted by The Regents in March 1997.

POLICY: It is the policy of the Laboratories managed by the University of California that no foreign-made equipment, materials, or supplies furnished to the Laboratories will be produced by forced labor, as defined in §1307 of Title 19 of the United States Code and §6108 of the California Public Contract Code, convict labor, or indentured labor under penal sanction.

SCOPE: This SP applies to all written subcontracts for equipment, materials, or supplies.

PROCEDURES:

Required Contract Provision

The following statement will be included in all subcontracts for equipment, materials, or supplies:

“Forced, Convict, and Indentured Labor

- A. By signing or accepting this subcontract, the subcontractor hereby certifies that no foreign-made equipment, materials, or supplies furnished to the University pursuant to this subcontract will be produced in whole or in part by forced labor, convict labor, or indentured labor under penal sanction.
- B. Any subcontractor contracting with the University who knew or should have known that the foreign-made equipment, materials, or supplies furnished to the University were produced in whole or in part by forced labor, convict labor, or indentured labor under penal sanction, when entering into a contract pursuant to the above, may have any or all of the following sanctions imposed:
 - 1. The subcontract under which the prohibited equipment, materials, or supplies were provided may be voided at the option of the University.
 - 2. The subcontractor may be removed from consideration for University subcontracts for a period not to exceed 360 days.”

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RESPONSIBILITIES:

**Procurement
Specialist**

The procurement specialist will ensure inclusion of the required contract provision identified above and recommend appropriate application of sanctions where appropriate to the Procurement Manager.

**Procurement
Manager**

The Procurement Manager will make the final determination as to the appropriate application of any sanction described above.

REFERENCES:

University Policy on the Procurement of Foreign-Made Equipment, Materials, or Supplies Produced by Forced Labor, Convict, or Indentured Labor, instituted March 21, 1997, available at: <http://www.ucop.edu/ucophome/coordrev/policy/>

SP 33.2, Disputes and Claims